



Grand Chamber to examine case concerning global warming

The Chamber of the European Court of Human Rights to which the case **Duarte Agostinho and Others v. Portugal and Others** (application no. 39371/20) had been allocated has **relinquished jurisdiction in favour of the Grand Chamber of the Court**¹.

The case concerns the polluting greenhouse gas emissions from 33 member States, which in the applicants' view contribute to the phenomenon of global warming resulting, among other things, in heatwaves affecting the applicants' living conditions and health.

A legal summary of this case will be available in the Court's HUDOC database ([link](#))

Duarte Agostinho and Others v. Portugal and Others (application no. 39371/20)

Principal facts

The applicants are Portuguese nationals aged between 10 and 23.

The applicants argue that the forest fires that have occurred in Portugal each year since 2017 are a direct result of global warming. They allege a risk to their health on account of these fires, and assert that they have already experienced disrupted sleep patterns, allergies and respiratory problems as a result, which are aggravated by the hot weather. The fifth and sixth applicants stress that climate disruption is causing very powerful storms in winter and maintain that their house, which is situated near the sea in Lisbon, is potentially at risk of damage from the storms.

The applicants also assert that they experience anxiety caused by these natural disasters and by the prospect of spending their whole lives in an increasingly warm environment, affecting them and any future families they might have.

The applicants complain that the 33 States concerned² are failing to comply with their positive obligations under Articles 2 (right to life) and 8 (right to respect for private and family life) of the Convention, read in the light of their undertakings under the 2015 Paris Agreement on climate change (COP 21).

The applicants also allege a violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 2 and/or Article 8 of the Convention, arguing that global warming affects their generation particularly and that, given their age, the interference with their rights is greater than in the case of older generations.

In view of the fact that four of the applicants are minors, they argue that the above-mentioned provisions of the Convention should be read in the light of Article 3 (1) of the United Nations Convention on the Rights of the Child. They also rely on the principle of intergenerational equity referred to in a number of international instruments including the 1992 Rio Declaration on

¹ Under Article 30 of the European Convention of Human Rights "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber."

² See the [Statement of Facts and list of applicants and respondent States](#)

Environment and Development, the Preamble to the Paris Agreement and the 1992 United Nations Framework Convention on Climate Change.

The applicants take the view that the member States have failed to fulfil their obligations under the above-mentioned provisions of the Convention, read in particular in the light of the international climate treaties, which require signatory States to take steps to adequately regulate their contributions to climate change. They argue that the lack of adequate measures to limit global emissions constitutes in itself a breach of the States' obligations.

[Statement of Facts and list of applicants and respondent States](#)

Complaints and procedure

The application was lodged with the European Court of Human Rights on 7 September 2020.

On 13 November 2020 the Governments concerned were given [notice](#)³ of the application, with questions from the Court. The Chamber also decided to deal with this case as a matter of priority, in accordance with Rule 41 of the Rules of Court.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 28 June 2022.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

³ In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is communicated to a Government can be found in the Rules of Court.